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RECENT CASES.

ARREST—ATTEMPT TO ESCAPE—OFFICER'S RIGHT TO KILL.—*PETRIE v. CARTWRIGHT*, 70 S. W. 297 (Ky.).—*Held*, that an officer was not justified in killing a man fleeing to escape arrest for an offense less than felony, although the officer had reasonable grounds for believing that a felony had been committed.

Where in fact a felony has not been committed an officer as well as a private person acts at his peril. *State v. Rutherford*, 9 Am. Dec. 638; *Carr v. State*, 43 Ark. 99; *Lacy v. State*, 7 Tex. App. 403. The rule is laid down otherwise in *State v. Evans*, 161 Mo. 95, but the statement was *obiter dictum*. See also, *State v. Underwood*, 75 Mo. 230; *Conraddy v. People*, 5 Parker (N. Y.) 234.

BANKRUPTCY—NO JURISDICTION TO ADJUDGE LUNATIC A BANKRUPT.—*IN RE JOSEPH EISENBERG*, 8 AM. B. R. 551.—*Held*, that the court has not jurisdiction to entertain the petition of a lunatic, filed by his committee, to be adjudicated a bankrupt.

This question is apparently a novel one, no controlling authorities being found. The weight of authority holds that an insane person may be adjudged a bankrupt in involuntary proceedings; *In re Pratt*, 6 B. R. 276; *Collier, Bankruptcy*, 53, and cases cited; even in opposition to wishes of guardian, *In re Weitzel*, 14 B. R. 466. But this is so only when acts of bankruptcy were committed while sane. *In re Marvin*, Fed. Cas. No. 9178. In that case, Dillon, J, says: "As to whether an insane person may on petition of himself or guardian go into voluntary proceedings, the court gives no opinion." But the requirement in that case, where acts of bankruptcy had been committed while insane, of the consent of guardian to involuntary proceedings, intimates that the Bankruptcy Act could be invoked in favor of an insane person. Such is the ruling in the English cases. *In re James*, 12 Q. B. D. 332; *In re Lee*, 23 Ch. Div. 216. In 3 *Parsons, Contracts* 461, it is stated that an insane person can take advantage of the bankruptcy law, but no authorities are cited. That a lunatic could take out a petition in a lucid interval, see *Saunders v. Mitchell*, 61 Miss. 321.

BANKRUPTCY—CONSTITUTIONAL LAW—USE IN CRIMINAL PROSECUTION OF BOOKS TAKEN BY RECEIVER.—*PEOPLE v. SIVARTS AND GREENBERG*, 8 AM. B. R. 487 (CRIM. CT. ILL.).—*Held*, that books and papers, taken possession of by a receiver, appointed by a bankruptcy court, cannot be used in a criminal prosecution against the president and director of a corporation, from whose possession or control they were taken.

This decision is not based on the provision of the Bankruptcy Act, section 7, that "no testimony given by him (the bankrupt) shall be offered in evidence against him in any criminal proceeding," but on the constitutional provisions against compelling a witness to testify against himself. The weight of authority holds such use of writings forcibly taken possession of